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IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE

Applicant: Smith **Examiner:** PATEL
Serial No.: 10/671,401 **Art Unit:** 3765
Filed: 09/25/2003
For: Anti-Static Protective Garment

**Mail Stop Amendment – No Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL

Dear Sir:

Please find enclosed for filing:

Response Change of Address Notice
 Post Card Declaration
Specimen

Date: December 5, 2005
Docket No.: 1803-17

Respectfully submitted,

John Leyden

John Lezdey
Registration No. 22,735

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John Lezdey

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Response

Responsive to the Official Action mailed October 6, 2005.

The Rejection Under 35 USC 102(b)

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 102(b) as being anticipated by Romanowski.

Romanowski discloses a flame retardant material for use in protective garments. The flame retardant material forms the outer layer and has incorporated therein the flame retarding agents. The flame retarding agents are not inorganic salts that are water absorbing such as sodium sulfate, calcium acetate, magnesium chloride, etc., and the hydrates thereof as presently claimed.

The Romanowski compounds referred to by the Examiner are organic halides and metal oxides which are not water absorbing.

The only reference to antistatic fabric is with regard to Fig. 1A and coating layer 60 that is radiation cured. This specifically stated, "The resulting antistatic fabric is non-humidity dependent."

In contrast, applicant's invention is humidity dependent, a water absorbing salt or hydrate that is also anti-static. The reference cannot anticipate the present invention since

it does not on all four corners cover the invention. In fact, the reference teaches away from the invention by specifically stating that the antistatic fabric is non-humidity dependent.

The Rejection Under 35 USC 103

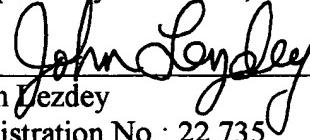
Reconsideration is respectfully requested of the rejection of the claims as being obvious in view of Romanowski.

Romanowski provides no motivation to use as antistatic agents water absorbing inorganic salts and hydrates. The objects of the present invention are different from the reference. The objects of the reference relate to providing a fire retardant protective garment. The problem solved by the applicant relates to reducing the humidity in a protective garment and to provide an antistatic effect. The present invention further provides an electronic bridge when activated by the humidity generated by the wearer. The reference fails to make obvious the improvements achieved by the present invention and to the problems solved.

Consequently, the reference sited by the Examiner fails to make obvious the problems solved by the applicant or to suggest a means for solving the problems.

Reconsideration and favorable action is earnestly requested.

Respectfully submitted,


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